

- (3) Land adjacent to a protected natural resource. Any land area within 100 feet, measured horizontally, of the normal high water line of a great pond, river, stream or brook or the upland edge of a coastal wetland or freshwater wetland.
- (4) Riprap. Heavy, irregular-shaped rocks that are fit into place, usually without mortar, on a slope.
- (5) Structure. Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. Examples of structures include buildings, utility lines and roads.
- (6) Utility lines, pipes and cables. Wires and pipes providing utility services. The term includes telephone and electric wires, gas, oil, water and sewer pipelines, and their support structures, whether public or private.
- (7) Non-native wetland plants. Wetland grasses, forbs, shrubs, or trees not native to the State of Maine, for example, common reed (*Phragmites communis*) and purple loosestrife (*Lythrum salicaria*).

10. Stream crossings (bridges, culverts and fords)

A. Applicability

- (1) This section applies to the construction of a bridge span or culvert crossing of a river, stream or brook, and associated accessway construction within 25 feet of the river, stream or brook crossing excluding the following:
 - (a) Crossings of outstanding river segments identified in 38 M.R.S.A. Section 480-P;
 - (b) Crossings of any river as defined by 38 M.R.S.A. Section 436-A(11), the Mandatory Shoreland Zoning Act (information is available at the Town Office);
 - (c) Crossings of any portion of a river, stream or brook that experiences tidal action; or.
 - (d) Crossings that are part of a larger project, excepting recreation trails and roads associated with forest management activities, involving multiple crossings of a natural resource or more than one natural resource. Projects consisting of multiple natural resource crossings must obtain an individual permit under the Natural Resources Protection Act.
- (2) This section also applies to the establishment of a permanent stream ford for purposes of timber harvesting, livestock, agriculture and construction and maintenance of a utility line.
- (3) This section applies to crossings associated with recreation trails that are: less than 12 feet wide; utilize a span or bridge, without abutments; and not maintained for highway vehicles. Multiple recreation trail crossings constructed in this manner may be submitted on one PBR notification form as long as the activities are located within one town.
- (4) This section applies to road crossings associated with forestry management activities. Multiple road crossings may be submitted on one PBR notification form as long as the activities are located within one town.

- (54) A stream crossing associated with forest management activities is exempt from the 14 day waiting period required in Section 1(C)(1).
- (65) A stream crossing performed or supervised by individuals currently certified in erosion control practices by the DEP is exempt from the 14 day waiting period required in Section 1(C)(1).
- (76) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of permits issued under the Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490, the Storm Water Management Law, 38 M.R.S.A. Section 420-D, or the Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A to 480-Z.
- (87) This section does not apply to an activity that will not conform to the local shoreland zoning ordinance.

NOTE:

- (1) Contact the local Code Enforcement Officer for information on local shoreland zoning requirements.
- (2) Maintenance and repair of a public or private crossing of a river, stream or brook is exempt from the NRPA provided that:
 - (a) Erosion control measures are taken to prevent sedimentation of the water;
 - (b) The crossing does not block fish passage in the water course; and
 - (c) Any replaced culvert is not more than 25% longer than the culvert being replaced and is not longer than 75 feet.
- (3) A permit may be required from the US Army Corps of Engineers for the following types of projects:
 - (a) Any activity involving impacts (direct and secondary) to freshwater wetlands; or
 - (b) An activity within a river, stream or brook between October 2 and July 14.

A copy of the PBR notification form should be submitted to the Corps of Engineers for these activities (US Army Corps of Engineers, RR 2 Box 1855, Manchester, ME 04351).

B. Submissions

- (1) For any work involving trenching or disturbance of substrate in a river, stream or brook that occurs between October 2 and July 14, notice of approval for the proposed work from the Department of Inland Fisheries and Wildlife, the Atlantic Salmon Authority and the Department of Marine Resources must be submitted to the DEP with the notification form.
- (2) Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

